

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,

Debtor.

Bankruptcy Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**CITY OF DETROIT’S REPLY IN SUPPORT OF ITS OBJECTION TO
CLAIM NUMBER 3836 FILED BY PAMELA BOOKER**

The Debtor, the City of Detroit (“City”), by and through its undersigned counsel, files this reply (“Reply”) in support of its objection to claim number 3836 (“Claim No. 3836”) filed by Pamela Booker (“Objection”). In support of the Objection, the City respectfully states as follows:

I. The Objection

1. On April 18, 2018, the City filed its *Sixty-Second Omnibus Objection to Certain Claims (No Valid Basis for any Liability of the City)* (“62nd Omnibus Objection”). Claim Number 3836 was among the claims listed for expungement on the 62nd Omnibus Objection [Doc. No. 12769].

2. Pamela Booker filed a response to the 62nd Omnibus Objection [Doc. No. 12783] and the City filed its reply to her response [Doc. No. 12804].

3. The Court held a hearing on the 62nd Omnibus Objection on May 23, 2018, and on the same date the Court entered the *Order Setting Deadline by Which Claimant Pamela Booker Must Take Action, Regarding Claim No. 3836* [Doc. No.

12820]. The order stated that, in order to avoid the entry of an order disallowing her claim, Pamela Booker must file a lawsuit against the City in an appropriate, non-bankruptcy court to assert the subject matter of her claim.

4. On June 14, 2018, Pamela Booker filed a complaint against the City in the 36th District Court to assert her claim (Case No. 18-158792 CH, *Pamela Booker v, City of Detroit*) (“36th District Court Case”). The City subsequently filed a motion for summary disposition in the matter on September 26, 2018. The 36th District Court granted the motion for summary disposition and dismissed Pamela Booker’s case with prejudice

5. On November 7, 2018, the City filed its Objection. [Doc. No. 12937].

6. On December 13, 2018, Booker filed a letter response to the Objection (“Letter Response”) [Doc. No. 12960].

III. The City’s Reply in Support of its Objection

7. On November 12, 2013, the City filed its *Motion of Debtor Pursuant to Sections 105 and 502 of the Bankruptcy Code, for Entry of an Order Approving Alternative Dispute Resolution Procedures to Promote the Liquidation of Certain Prepetition Claims* [Doc. No. 1665] (“ADR Procedures Motion”). On December 24, 2013, this Court entered an order approving the ADR Procedures Motion [Doc. No. 2302] (“ADR Order”).

8. The Alternative Dispute Resolution Procedures (“ADR Procedures”) attached as Annex 1 to the ADR Order permitted the City to serve on claimants a notice that the Stay/Injunction is lifted to permit the underlying claim to be liquidated in a non-bankruptcy forum consistent with the terms, conditions and limitations of Section II.E. below (a “Stay Modification Notice”). In that event, immediately upon the filing of the Stay Modification Notice, the Stay/Injunction shall be deemed modified with respect to the applicable Initial Designated Claim solely to permit the liquidation of the claim in a non-bankruptcy forum...

ADR Procedures, Section I.B, p. 4.

9. In accordance with the ADR Procedures, the City served a Stay Modification Notice on Pamela Booker related to her Claim No. 3836 on November 3, 2015. [Doc. No. 10250].

10. After the Stay Modification Notice was filed, Pamela Booker commenced litigation. The litigation, however, was dismissed with prejudice.

11. The City filed its Objection to disallow and expunge Claim No. 3836 because the claim has been litigated in an appropriate, non-bankruptcy court, pursuant to two separate orders of this Court (the ADR Order and May 23 Order), and resolved in favor of the City.

12. Despite the statements and representations made by Pamela Booker in the Letter Response, her claim should be expunged because her lawsuit was dismissed with prejudice. The ADR Procedures were followed and carried out in

regard to Claim No. 3836. Pamela Booker did not appeal the final order entered in her 36th District Court Case and the time limit for her to have done so has passed.

13. Based upon the foregoing, the City seeks entry of an order, substantially in the form annexed as Exhibit 1 to the Objection, expunging and disallowing Claim No. 3836 filed by Pamela Booker.

WHEREFORE, the City respectfully requests that this Court enter an order, substantially in the form attached as Exhibit 1 to the Objection, granting the relief requested herein and granting the City such other and further relief as the Court may deem just and proper.

Dated: December 14, 2018

Respectfully submitted,

By: /s/ Marc N. Swanson

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ATTORNEYS FOR THE CITY OF DETROIT

EXHIBIT 1: CERTIFICATE OF SERVICE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 14, 2018, he electronically filed the foregoing *City of Detroit's Reply in Support of Its Objection to Claim Number 3836 Filed by Pamela Booker* ("Reply") with the Clerk of the Court which will provide notice of the filing to all ECF participants registered in this case. A copy of the Reply was also served upon the following, via first class mail, on the same date.

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Dated: December 14, 2018